

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARDAVAN ASLIE,

Plaintiff,

v.

AMERICAN BOARD OF  
ORTHOPAEDIC SURGERY,

Defendant.

No. 2:24-cv-01181 AC


ORDER

This case was removed from state court to federal court on April 23, 2024 and is before the undersigned for all purposes per the consent of the parties. ECF Nos. 1, 8. Defendant filed a motion to dismiss on April 30, 2024 set to be heard on June 5, 2024. ECF No. 5. Local Rule 230(c) requires an opposition or statement of non-opposition to be filed no later than 14 days after a motion is filed. The Local Rule further provides that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written opposition to the motion has not been timely filed by that party.” In addition, Local Rule 230(j) provides that failure to appear may be deemed withdrawal of opposition to the motion or may result in sanctions. Finally, Local Rule 110 provides that failure to comply with the Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.”

Plaintiff has not responded to the motion to dismiss. Accordingly, the court VACATES

1 the June 5, 2024 hearing date and RESETS the hearing to June 12, 2024 at 10:00 a.m. in  
2 Courtroom 26. IT IS HEREBY ORDERED that plaintiff shall file an opposition – or a Statement  
3 of Non-Opposition – to the motion no later than **May 29, 2024**. Failure to file an opposition will  
4 be deemed a statement of non-opposition and shall result in a recommendation that this action be  
5 dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

6 DATED: May 21, 2024

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8 ALLISON CLAIRE  
9 UNITED STATES MAGISTRATE JUDGE  
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